THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1516 OF 2005

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Date:02-09-2005

Between:

Rekapalli Krishna Vasu …Appellant

And

State of Andhra Pradesh and others …Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1516 OF 2005

J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ)

The controversy in this appeal is with regard to the charges of alleged misappropriation against respondent No.6, the elected Sarpanch of the village. The District Collector passed an order removing her from the post of Sarpanch, which

was challenged by respondent No.6 before the appellate authority. The appellate authority set aside the order of the District Collector on the ground of non-supply of the enquiry report of the Divisional Panchayat Officer and remitted the matter to the District Collector for fresh disposal. The order of the appellate authority was challenged by the writ petitioner/appellant in a revision before the Government, which was dismissed, confirming the order of the appellate authority. The writ petitioner/appellant challenged the order of the revisional authority by way of a writ petition being W.P.No.14977 of 2005. The learned Single Judge agreed with the appellate authority as well as the revisional authority in remitting the matter back to the District Collector. This was done on the ground that the District Collector had obtained a report from the District Panchayat Officer, which was the basis for his satisfaction that respondent No.6 had misappropriated the amounts, had not been made available to respondent No.6.

After hearing learned counsel for the parties, we are of the view that let the enquiry be completed by the District Collector and dispose of the matter finally in terms of the order of the learned Single Judge, within a period of one month from the date of receipt of a copy of this order, after hearing both the parties. But for the period, the enquiry is completed it would not be proper to allow respondent No.6 to act as Sarpanch. Therefore, she shall remain under suspension, for a period of one month, within which period the District Collector shall dispose of the matter finally. The copy of the District Panchayat Officer's report shall be made available to respondent No.6 and she may be given a chance to controvert the same. The District Collector shall not be influenced by any of the observations made by this Court or by the learned Single Judge in the proceedings. Copy of this judgment, be dispatched by tomorrow to the District Collector, Krishna (Panchayat Division) Machilipatnam, Krishna District.

The writ appeal is accordingly disposed of. No order as to costs.

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(Bilal Nazki, ACJ)

2nd September, 2005

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(R.Subhash Reddy,J)

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Note: Copy of the judgment be dispatched

to the District Collector, Krishna

(Panchayat Division) Machilipatnam,

Krishna District by tomorrow.

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